REMARKS

In response to the final Office Action dated October 17, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-5 and 11-15 are pending in this application. Claims 6-10 and 16-28 were previously canceled without prejudice or disclaimer.

Rejection of Claims 1, 3-5, 11, & 13-15 under § 103 (a)

Claims 1, 3-5, 11, and 13-15 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over U.S. Patent 5,710,815 to Ming *et al.* in view of U.S. Patent Application Publication 2001/0001159 to Ford and further in view of U.S. Patent 6,947,966 to Oko *et al.*

These claims, however, cannot be obvious over *Ming*, *Ford*, and *Oko*. These claims recite, or incorporate, many features that are not taught or suggested by the combined teaching of *Ming*, *Ford*, and *Oko*. Independent claim 1, for example, recites:

> the program presentation preferences including options to block or modify content, the options comprising:
>> if the default setting equals or exceeds the program presentation preferences, then the rating value and the content attribute value have no effect and the program is blocked from presentation;
>> if the rating value and the content attribute value exceed the program presentation preferences, then the default setting is not used and the program is blocked from presentation; and
>> if the rating value and the content attribute value are missing, then if the default setting equals or exceeds the program presentation preferences, then modification of the program is not allowed and any instructions to modify the program are interpreted as an instruction to block the program from presentation.

Support for such features may be found at least in the as-filed application at page 19, line 12 through page 20, line 2. Independent claim 1 is reproduced below, and independent claim 11 recites similar features.

1.   A system for controlling and managing presentation to viewers of programming content, the system comprising:

a processor communicating with memory and with a user interface, the processor adapted to receive the programming content comprising a program and program control data, the program control data having a data format in which a default setting is subsequently followed by a series of data records, with one or more of the data records associated with a particular portion of the program, the one or more of the data records having a linear representation comprising an offset time stamp, a rating value, a content attribute value, a component value, and an action;

the viewer interface adapted to receive information related to program presentation preferences of a viewer, the program presentation preferences including options to block or modify content, the options comprising:

if the default setting equals or exceeds the program presentation preferences, then the rating value and the content attribute value have no effect and the program is blocked from presentation;

if the rating value and the content attribute value exceed the program presentation preferences, then the default setting is not used and the program is blocked from presentation; and

if the rating value and the content attribute value are missing, then if the default setting equals or exceeds the program presentation preferences, then modification of the program is not allowed and any instructions to modify the program are interpreted as an instruction to block the program from presentation.

The combined teaching of *Ming*, *Ford*, and *Oko* does not obviate all these features. *Ming* describes a decoder that receives "access control data" that is embedded into cable video signals. U.S. Patent 5,710,815 to Ming *et al.* at column 6, lines 5-10. The decoder compares the access control data to a user's "category codes" and blocks, or "precludes," viewing of programming. *Id.* at column 7, line 65 through column 8, line 30. *Ford* discloses a set-top box that filters objectionable events from video. *See* U.S. Patent Application Publication 2001/0001159 to Ford

at paragraph [0009]. Videos include event codes that identify objectionable portions. *See id.* at paragraph [0011]. These event codes are compared to user-prohibited event codes. *See id.* at paragraph [0011]. The objectionable portions of the video may be blocked or substituted. *See id.* at paragraph [0012]. *Oko* discloses polling users for the outcome of programs.

Still, though, *Ming, Ford,* and *Oko* do not obviate independent claims 1 and 11. The proposed combination of *Ming, Ford,* and *Oko* fails to teach or suggest "*if the default setting equals or exceeds the program presentation preferences, then the rating value and the content attribute value have no effect and the program is blocked from presentation.*" The combined teaching of *Ming, Ford,* and *Oko* is also silent to "*if the rating value and the content attribute value exceed the program presentation preferences, then the default setting is not used and the program is blocked from presentation.*" The proposed combination of *Ming, Ford,* and *Oko* also fails to teach or suggest "*if the rating value and the content attribute value are missing, then if the default setting equals or exceeds the program presentation preferences, then modification of the program is not allowed and any instructions to modify the program are interpreted as an instruction to block the program from presentation.*" One of ordinary skill in the art, then, would not think that independent claims 1 and 11 are obvious.

Claims 1, 3-5, 11, and 13-15, then, cannot be obvious. Independent claims 1 and 11 recite many features that are not taught or suggested by *Ming, Ford,* and *Oko.* Dependent claims 3-5 and 13-15 incorporate these same features and recite additional features. Claims 1, 3-5, 11, and 13-15, then, cannot be obvious, so Examiner Brown is respectfully requested to remove the § 103 (a) rejection of these claims.

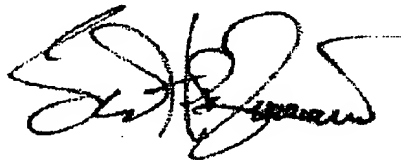### Rejection of Claims 2 & 12 under § 103 (a)

Claims 2 and 12 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Ming* in view of *Ford* and *Oko* and further in view of U.S. Patent 6,122,660 to Baransky *et al.* Claims 2 and 12, however, depend, respectively, from independent claims 1 and 11 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, the combined

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teaching of *Ming*, *Ford*, and *Oko* fails to teach or suggest many of the features recited in independent claims 1 and 11. The patent to Baransky *et al.* does not cure these deficiencies. The patent to Baransky *et al.* discloses a broadcast stream with sub-streams. Still, though, the combined teaching of *Ming*, *Ford*, *Oko*, and *Baransky* fails to teach or suggest many of the features incorporated into claims 2 and 12. Claims 2 and 12, then, cannot be obvious, so Examiner Brown is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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